

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Bindseil (Reg. No. 42,326), the applicant's representative, on February 27, 2009.

3. The application has been amended as follows:

**IN THE CLAIMS:**

The claims of the invention have been amended as follows:

1-35. (Canceled)

36. (Currently Amended) A method for transferring data, comprising:

receiving one or more registrations in a first entity, wherein each registration comprises a set of criteria for transferring data, the set of criteria comprising at least one triggering event;

recognizing a communication link between the first entity and a second entity;

identifying, based on an occurrence of at least one of the at least one triggering event, registrations in the first entity ~~whose~~ associated with the set of criteria that has been met;

assigning priority indicators to the identified registrations in the first entity; and

initiating a transfer over the communication link between the first entity and the second entity to transfer data associated with the identified registrations based on the priority indicators.

37. (Previously Presented) The method of claim 36, wherein the set of criteria identifies at least one of an amount of data to be transferred, a type of data to be transferred, a type of communication link, the amount of data currently being sent over the communication link, an available data transfer rate, power consumption associated with transmitting the data, an amount of data packet re-transmissions per unit time, a battery power level, a user activity level, and a time of day indicator.

38. (Previously Presented) The method of claim 36, further comprising performing at least one of said receiving, recognizing, identifying, assigning, and initiating in a background mode.

39. (Previously Presented) The method of claim 36, further comprising performing the method on a device chosen from a group of devices comprising a personal laptop computer, a personal standup computer, a wireless communication device, a still camera, a video camera, an audio recording device and a PDA.

40. (Previously Presented) The method of claim 36, wherein the data represents at least one of keystroke information, files viewed, files created, websites visited, and software application usage.

41. (Previously Presented) The method of claim 36, wherein the one or more registrations identify at least one of opportunistic data transfers and periodic data transfers.

42. (Previously Presented) The method of claim 36, wherein said recognizing comprises establishing the communication link if the communication link is not recognized within a selected time interval.

43. (Previously Presented) The method of claim 36, wherein the communication link is at least one of a traffic channel and a supplemental channel.

44. (Previously Presented) The method of claim 36, wherein the data comprises at least one of a notification request and a data exchange associated with at least one of an email program, a stock quote utility, an MMS utility, an instant messaging client, networked games, a weather checker, a person locator, a location monitor, a news checker, and a medical reminder.

45. (Currently Amended) An apparatus for transferring data, comprising:

**a processor and a memory;**

means for receiving one or more registrations, wherein each registration comprises a set of criteria for transferring data, the set of criteria comprising at least one triggering event;

means for recognizing a communication link;

means for identifying, based on an occurrence of at least one of the at least one triggering event, registrations ~~whose~~ associated **with the** set of criteria **that** has been met;

means for assigning priority indicators to the identified registrations; and

means for initiating a transfer over the communication link to transfer data associated with the identified registrations based on the priority indicators.

46. (Previously Presented) The apparatus of claim 45, wherein the set of criteria identifies at least one of an amount of data to be transferred, a type of data to be transferred, a type of communication link, the amount of data currently being sent over the communication link, an available data transfer rate, power consumption associated with transmitting the data, an amount of data packet re-transmissions per unit time, a battery power level, a user activity level, and a time of day indicator.

47. (Previously Presented) The apparatus of claim 45, further comprising means for performing at least one of said receiving, recognizing, identifying, assigning, and initiating in a background mode.

48. (Previously Presented) The apparatus of claim 45, wherein the apparatus is configured to operate on a device chosen from a group of devices comprising a personal laptop computer, a personal standup computer, a wireless communication device, a still camera, a video camera, an audio recording device and a PDA.

49. (Previously Presented) The apparatus of claim 45, wherein the data represents at least one of keystroke information, files viewed, files created, websites visited, and software application usage.

50. (Previously Presented) The apparatus of claim 45, wherein the one or more registrations identify at least one of opportunistic data transfers and periodic data transfers.

51. (Previously Presented) The apparatus of claim 45, wherein said means for recognizing comprises means for establishing the communication link if the communication link is not recognized within a selected time interval.

52. (Previously Presented) The apparatus of claim 45, wherein the communication link is at least one of a traffic channel and a supplemental channel.

53. (Previously Presented) The apparatus of claim 45, wherein the data comprises at least one of a notification request and a data exchange associated with at least one of an email program, a stock quote utility, an MMS utility, an instant messaging client, networked games, a weather checker, a person locator, a location monitor, a news checker, and a medical reminder.

54. (Currently Amended) An apparatus for transferring data, comprising:

a processor configured to receive one or more registrations, wherein each registration comprises a set of criteria for transferring data, the set of criteria comprising at least one triggering event, recognize a communication link, identify, based on an occurrence of at least one of the at least one triggering event, registrations ~~whose~~ associated with the set of criteria that has been met, and assign priority indicators to the identified registrations; and

a transmitter configured to initiate a transfer over the communication link to transfer data associated with the identified registrations based on the priority indicators.

55. (Previously Presented) The apparatus of claim 54, wherein the set of criteria identifies at least one of an amount of data to be transferred, a type of data to be transferred, a type of communication link, the amount of data currently being sent over the communication link, an available data transfer rate, power consumption associated with transmitting the data, an amount of data packet re-transmissions per unit time, a battery power level, a user activity level, and a time of day indicator.

56. (Previously Presented) The apparatus of claim 54, wherein said processor is configured to perform at least one of said receiving, recognizing, identifying, assigning, and initiating in a background mode.

57. (Previously Presented) The apparatus of claim 54, wherein said apparatus is configured to operate on a device chosen from a group of devices comprising a personal laptop computer, a personal standup computer, a wireless communication device, a still camera, a video camera, an audio recording device and a PDA.

58. (Previously Presented) The apparatus of claim 54, wherein the data represents at least one of keystroke information, files viewed, files created, websites visited, and software application usage.

59. (Previously Presented) The apparatus of claim 54, wherein the one or more registrations identify at least one of opportunistic data transfers and periodic data transfers.

60. (Previously Presented) The apparatus of claim 54, wherein said processor is configured to establish the communication link if the communication link is not recognized within a selected time interval.

61. (Previously Presented) The apparatus of claim 54, wherein the communication link is at least one of a traffic channel and a supplemental channel.



62. (Previously Presented) The apparatus of claim 54, wherein the data comprises at least one of a notification request and a data exchange associated with at least one of an email program, a stock quote utility, an MMS utility, an instant messaging client, networked games, a weather checker, a person locator, a location monitor, a news checker, and a medical reminder.

63. (Currently Amended) A computer readable storage media embodying a program, which when executed by a processor, operates to perform a method to transfer data, the method comprising:

receiving one or more registrations in a first entity, wherein each registration comprises a set of criteria for transferring data, the set of criteria comprising at least one triggering event;

recognizing a communication link between the first entity and a second entity;

identifying, based on an occurrence of at least one of the at least one triggering event, registrations in the first entity whose associated with the set of criteria that has been met;

assigning priority indicators to the identified registrations in the first entity; and

initiating a transfer over the communication link between the first entity and the second entity to transfer data associated with the identified registrations based on the priority indicators.

64. (Currently Amended) The computer readable storage media embodying a program of claim 63, wherein the set of criteria identifies at least one of an amount of data to be transferred, a type of data to be transferred, a type of communication link, the amount of data currently being sent over the communication link, an available data transfer rate, power consumption associated with transmitting the data, an amount of data packet re-transmissions per unit time, a battery power level, a user activity level, and a time of day indicator.

65. (Currently Amended) The computer readable storage media embodying a program of claim 63, further comprising performing at least one of said receiving, recognizing, identifying, assigning, and initiating in the background mode.

66. (Currently Amended) The computer readable storage media embodying a program of claim 63, further comprising performing the method on a device chosen from a group of devices comprising a personal laptop computer, a personal standup computer, a wireless communication device, a still camera, a video camera, an audio recording device and a PDA.

67. (Currently Amended) The computer readable storage media embodying a program of claim 63, wherein the data represents at least one of keystroke information, files viewed, files created, websites visited, and software application usage.

68. (Currently Amended) The computer readable storage media embodying a program of claim 63, wherein the one or more registrations identify at least one of opportunistic data transfers and periodic data transfers.

69. (Currently Amended) The computer readable storage media embodying a program of claim 63, wherein said recognizing comprises establishing the communication link if the communication link is not recognized within a selected time interval.

70. (Currently Amended) The computer readable storage media embodying a program of claim 63, wherein the communication link is at least one of a traffic channel and a supplemental channel.

71. (Currently Amended) The computer readable storage media embodying a program of claim 63, wherein the data comprises at least one of a notification request

and a data exchange associated with at least one of an email program, a stock quote utility, an MMS utility, an instant messaging client, networked games, a weather checker, a person locator, a location monitor, a news checker, and a medical reminder.

72. (Previously Presented) The method of claim 36, further comprising performing at least one of said receiving, recognizing, identifying, assigning, and initiating such that the activities are unknown to a user of the first entity.

73. (Previously Presented) The apparatus of claim 45, further comprising means for performing at least one of said receiving, recognizing, identifying, assigning, and initiating such that the activities are unknown to a user.

74. (Previously Presented) The apparatus of claim 54, wherein said processor is configured to perform at least one of said receiving, recognizing, identifying, assigning, and initiating such that the activities are unknown to a user.

75. (Currently Amended) The computer readable storage media embodying a program of claim 63, further comprising performing at least one of said receiving, recognizing, identifying, assigning, and initiating such that the activities are unknown to a user.

76. (Currently Amended) **A computer program embedded in a computer readable storage medium, when executed by a processor for transferring data** At least one processor configured to transfer data, **the computer program** comprising:

a first module for receiving one or more registrations **in a first entity**, wherein each registration comprises a set of criteria for transferring data, the set of criteria comprising at least one triggering event;

a second module for recognizing a communication link **between the first entity and a second entity**;

a third module for identifying, based on an occurrence of at least one of the at least one triggering event, registrations in the first entity ~~whose~~ associated **with the** set of criteria **that** has been met;

a fourth module for assigning priority indicators to the identified registrations **in the first entity**; and

a fifth module for initiating a transfer over the communication link **between the first entity and the second entity** to transfer data associated with the identified registrations based on the priority indicators.

#### ALLOWABLE SUBJECT MATTER

4. Claims 36-76 (renumbered as 1-41) are allowable over the prior art of record.

5. Examiner interprets the limitation "computer-readable medium" as a device that stores computer instructions and participates in providing the computer instructions to a computer processor for execution. The computer-readable medium includes non-volatile media, volatile media, computer storage devices and memories. For example, optical or magnetic disks, ROMs, PROMs, EPROMs, EEPROMs, RAM, hard disks, CDs, DVDs. The "computer-readable medium" does not include acoustic or electromagnetic waves, such as those generated during radio-wave, infra-red, and optical data communications.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip B. Tran whose telephone number is (571) 272-3991. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip B Tran/  
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